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13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 KRAFT FOODS HOLDINGS, INC.,	) Case No. 3:08-CV-00930-PJH
	)
16 Plaintiff,	) Transferred from W.D. Wisc.
	) Case No. 07C0613S
17 vs.	)
	)
18 THE PROCTER & GAMBLE COMPANY,	) DECLARATION OF BENJAMIN C. DEMING
	) IN SUPPORT OF ADMINISTRATIVE
19 Defendant.	) MOTION BY DEFENDANT THE PROCTER &
	) GAMBLE COMPANY FOR SCHEDULING
20 THE PROCTER & GAMBLE COMPANY,	) AND STATUS CONFERENCE (L.R. 7-11)
	)
21 Counterclaim Plaintiff,	)
	)
22 vs.	)
	)
23 KRAFT FOODS HOLDINGS, INC.	)
	)
24 Counterclaim Defendant,	)
	)
25 and	)
	)
26 KRAFT FOODS GLOBAL, INC.	)
	)
27 Third-Party Defendant.	)
	)

1 I, Benjamin Deming, declare and state:

2 1. I am an attorney at the law firm of Howrey LLP, counsel of record for The Procter &  
3 Gamble Company (“P&G”) in the above-captioned action. I am a member in good standing of the  
4 State Bar of California and have been admitted to practice before this Court. I have personal  
5 knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify  
6 competently to them under oath.

7 2. In connection with the litigation between Kraft Foods Holdings, Inc., and Kraft Foods  
8 Global, Inc. (collectively “Kraft”) and P&G in the Western District of Wisconsin, Case No. 07-C-  
9 0613-S (the “Wisconsin Action”), the parties have exchanged extensive discovery with respect to both  
10 Kraft’s U.S. Patent No. 7,074,443 – which is the subject of the Wisconsin Action – and P&G’s U.S.  
11 Patent No. 7,169,419 (the “’419 Patent”), now before this Court, including:

- 12 • Approximately 160 Requests for Production (served by P&G);
- 13 • 91 Requests for Production (served by Kraft);
- 14 • Approximately 230,000 pages of documents (produced by P&G);
- 15 • Approximately 95,000 pages of documents (produced by Kraft);
- 16 • 17 Interrogatories (served by P&G);
- 17 • 23 Interrogatories (served by Kraft);
- 18 • 88 Requests for Admission (served by P&G).

19 3. The parties also have exchanged the following discovery with respect to P&G’s ‘419  
20 Patent:

- 21 • Proposed claim constructions (by both P&G and Kraft);
- 22 • Infringement contentions (by P&G);
- 23 • Non-infringement contentions (by Kraft);
- 24 • Invalidity contentions (by Kraft);
- 25 • Evidence of non-obviousness (served by P&G);
- 26 • Willfulness contentions (by P&G); and
- 27 • Evidence of conception and reduction to practice (by P&G)

*Benjamin Denning*  
Benjamin Denning

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January 25, 2008

**Via Electronic Delivery**

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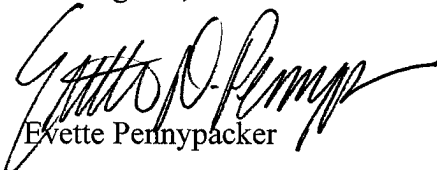
**Re: Kraft v. The Procter & Gamble Company, Case No. 07-C-0613-S (W.D. Wisconsin)**

Dear Martha:

In light of the Court's order today granting Kraft's motion to transfer P&G's counterclaim and third party claim for infringement of the '419 patent to the Northern District of California, no further discovery regarding that claim will go forward in the Wisconsin action. Accordingly, Kraft will provide responses to any outstanding discovery requests from P&G and supplement its responses to P&G's first set of discovery requests pursuant to my January 16 letter only to the extent such responses and supplementation relate to Kraft's claim on the '443 patent.

Please feel free to contact me with any questions.

Best regards,

  
Evette Pennypacker

cc: William Rooklidge, Greg Cordrey, Ben Davidson

**quinn emanuel urquhart oliver & hedges, llp**

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